

Remarks

Claims 1-38 were presented for prosecution. Claims 26-32 were withdrawn as being directed to a non-elected invention during a telephone interview. Applicants herein affirm the election of claims 1-25 and 33-38 for prosecution. Claims 1-2, 10, 14, and 33 are rejected under 35 USC 102(b) as being allegedly anticipated by Dar et al., US Publication 2001/0039509 ("Dar"). Claims 3-5, 16-17 and 23 are rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of Ando et al., US 5,955,970 ("Ando"). Claim 6 is rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of Ando, in further view of Force et al., US 5,533,123 ("Force"). Claim 9 is rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of Ando, in further view of Force, and in further view of Davis et al., US 5,844,986 ("Davis"). Claim 11 is rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of Ehrman et al., US Publication 2001/0037298 ("Ehrman"). Claim 13 is rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of McMillan et al., US Patent 6,064,970 ("McMillan"). Claims 24-25 are rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of Ando, in further view of Ehrman. Claims 34-35 are rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of Shimizu et al., US Publication 2002/0111822 ("Shimizu"). Claim 36 is rejected under 35 USC 103(a) as allegedly being unpatentable over Dar in view of Shimizu, in further view of Ehrman.

Applicants have herein canceled claims claims 7, 18 and 26-32, and have amended claims 1 and 16. No new matter is believed added.

Before addressing the rejections, Applicants note the following issues in the Office Action:

- I. On the cover sheet, item 9, there is an indication that the specification is objected to. However, no such objections are detailed in the Office Action. Clarification is requested.
- II. On the cover sheet, item 6, it is indicated that claims 1-6, 9-14, 16-17, 23-25 and 33-38 are rejected. However, no disposition is given for claims 7-8, 15, and 18-22, and the claims are not discussed in the Office Action. Applicants assume that these claims include allowable subject matter. Clarification is requested.
- III. In the Office Action, page 3, the second and third paragraphs contradict each other regarding whether a telephone election was made. Applicants' records indicate that an election was made, and have cancelled the non-elected claims 26-32 herein.

Applicants respectfully submit that all claims are allowable over the cited art for the following reasons. With regard to claim 1, Applicants have included the features previously presented in canceled claim 7, which was indicated as not being rejected. Accordingly, Applicants submit that claims 1-6 and 8-15 are in condition for allowance. With regard to claim 16, Applicants have included the features previously presented in canceled claim 18, which was likewise indicated as not being rejected. Accordingly, Applicants submit that claims 16-17 and 19-22 are in condition for allowance.

Applicants traverse the rejection of claim 23 for the following reasons. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 706.02(j).

Claim 23 recites, *inter alia*, “a security system, wherein the security system includes an encryption system for securing information transmitted to the central server, and *for securing information processed by the central server.*” The Office Action alleges that the combination of Dar and Ando teaches the features of this claim. Applicants respectfully traverse. Neither reference teaches or suggests a security system “*for securing information processed by the central server.*” While Ando teaches that the wireless communication is encrypted, there is no teaching that any information remains or is treated secure once received and processed by the central server. Accordingly, Applicants submit that claims 23-25 are allowable over the art of record.

Applicants also traverse the rejection to claim 33 for the following reasons. Claim 33 stands rejected under 102(b) as being anticipated by Dar. However, Dar fails to teach, *inter alia*, “calculating a charge on the processor based on the usage data.” The Office Action alleges that this feature is taught in paragraph 0039 in which billing data is provided. However, a careful reading of the paragraph clearly reveals that the billing data is provided by a data processor that is not on the vehicle, but instead at a central unit (i.e., the data processor that handles billing is located at a central unit that receives a

communication from the on board communicator). As detailed, e.g., in paragraph 0142, the message communicated from the vehicle includes the "identity of the vehicle, the parking location, and the date and time of the parking." As further discussed, e.g., in paragraph 0157, the billing system resides at the central unit. In other words, Dar fails to teach a system that calculates a charge on the processor that is "located on the remote apparatus." Accordingly, Applicants submit that because Dar fails to teach this feature, claim 33, as well as claims 34-38, is not anticipated by the cited art.

Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated:

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